

IN THE UNITED STATES DISTRICT COURT  
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FOR THE MIDDLE DISTRICT OF ALABAMA  
2019 NOV 22 AM 11:16

JAMES ROBINSON  
PLAINTIFF

DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

U.

CASE NO. 2:19-CV-922-WHA-CSC

ROYCE LUEY - GOVERNOR

(TO BE INSERTED BY CLERK)

STEVE MARSHALL - ATTORNEY GENERAL

LARRY ELLIS MCCOLLUM

GARY L. WILLFORD

AL BUTLER

JEFFERSON S. DUNN

ALCORNELIA TERRY

CHARLES GRADISH

A. BLACK

LYNN HEAD

42 USC SEC. 1983 CIVIL RIGHTS COMPLAINT  
FEDERAL DECLARATORY RELIEF AND DAMAGES  
AS SPECIFIED FOR NAMED DEFENDANTS

JURISDICTION OF FEDERAL COURT EXISTS UNDER 28 U.S.C.  
SEC. 1331.

JURISDICTION UNDER FEDERAL CIVIL RIGHTS STATUTES 28 U.S.C.  
SEC 1333 AND 42 U.S.C SEC. 1983.

DECLARATORY RELIEF IS SOUGHT PURSUANT TO 28 U.S.C.  
SECS) 2201 AND 2202

- I. JAMES ROBINSON PLAINTIFF IS NOT PRECLUDED IN THAT NO STATE PROSECUTION IS PENDING AND ROBINSON A FEDERAL PLAINTIFF PROVIDES TO THIS COURT A GENUINE THREAT EXIST OF ENFORCEMENT OF A DISPUTED STATE CRIMINAL STATUTE, AND ALABAMA'S CONSTITUTION 1901 ROBINSON'S ATTACK IS MADE ON THE CONSTITUTIONALITY AS WRITTEN ON ITS FACE, AND HOW DEFENDANT'S ACTS, ACTIONS AS APPLIED VIOLATES THE CONSTITUTION OF THE UNITED STATES, ROBINSON'S RIGHTS
- II. JAMES ROBINSON PLAINTIFF MANDATES AND SHALL PLEAD ALLEGED THAT EACH GOVERNMENT OFFICIAL DEFENDANT THROUGH EACH OFFICIAL'S OWN ACTIONS HAVE VIOLATED THE CONSTITUTION OF THE UNITED STATES, AND ROBINSON'S CIVIL RIGHTS.

### DECLARATORY RELIEF FOR JUDGMENT

GOVERNOR KAY ZWEY AND STEVE MARSHALL THE CONSTITUTION OF ALABAMA OF 1901 SEC. 42 AND 43 - ARTICLE III.

ARTICLE III OF THE ALABAMA CONSTITUTION OF 1901 CREATES THE FRAMEWORK FOR THE DIVISION OF POWERS BETWEEN THE STATE'S LEGISLATIVE, EXECUTIVE, AND JUDICIAL BRANCHES. UNDER ALABAMA CONSTITUTION, AND UNITED STATES CONSTITUTION IT DEMANDS THAT THESE POWERS

AND RESPONSIBILITIES NEVER BE SHARED.

THE CONSTITUTION DEMANDS THAT GOVERNOR LUGG SHALL EXECUTE THE LAWS OF ALABAMA.

THE CONSTITUTION DEMANDS THAT STEVE MARSHALL ATTORNEY GENERAL OF THE EXECUTIVE BRANCH IS TO ENFORCE THE LEGISLATIVE LAWS OF ALABAMA. BOTH GOVERNOR LUGG AND STEVE MARSHALL MUST CARRY OUT AND ENFORCE LEGISLATIVE LAWS.

A CONTROVERSY JUSTICIABLE MUST BE DECIDED:

1. CODE OF ALA 1975 SEC. 12-17-184 IT IS THE DUTY OF EVERY DISTRICT ATTORNEY AND ASSISTANT DISTRICT ATTORNEY, WITHIN THE CIRCUIT, COUNTY, OR OTHER TERRITORY FOR WHICH HE OR SHE IS ELECTED OR APPOINTED:

- (1) "TO ATTEND ON THE GRAND JURIES . . . . ."
- (2) TO DRAW UP ALL INDICTMENTS AND TO PROSECUTE ALL JUSTICABLE OFFENSES.

ROBISON WAS INDICTED AND PROSECUTED ON CASE NUMBERS CC-1998-1222, CC-1998-1486, CC-1998-1626, CC-1998-1627, AND CC-1998-1628. THE DISTRICT ATTORNEY OF HOUSTON COUNTY, ALABAMA MADE AN OFFER AND THAT OFFER WAS ACCEPTED BY ROBISON ENTERING A GUILTY PLEA, THE PLEA BARGAIN BECOMES BINDING AND ENFORCEABLE UNDER CONSTITUTIONAL LAW.

CODE OF ALA. 1975 SEC. 15-15-24(3) IF A DEFENDANT UPON ARRAIGNMENT OR PRIOR TO TRIAL PLEADS GUILTY THE COURT, WITHOUT THE INTERVENTION OF A JURY SHALL DETERMINE THE DEGREE OF THE OFFENSE AND FIX THE

PUNISHMENT THEREOF.

ALA. CODE 1975 SEC. 36-13-9 GRANTS GOVERNOR EVERY POWER TO ISSUE EXECUTIVE ORDERS.

ALA. CODE 1975 SEC 12-17-184(10) "THE GOVERNOR MAY APPOINT AND AUTHORIZE ANY DISTRICT ATTORNEYS AND ASSISTANT DISTRICT ATTORNEYS IN THE STATE OF ALABAMA TO SERVE AS SPECIAL PROSECUTOR . . ."

ALA. CODE 1975 SEC 12-17-184(10) THE ATTORNEY GENERAL AND COUNSELOR HAVE THE POWER OVER PROSECUTION

THE ISSUE UNDER ALABAMA CONSTITUTION 1901 ARTICLE III SEC(S) 42 AND 43. DO ALABAMA DEPARTMENT OF CORRECTIONS AND ATTORNEYS FOR ALABAMA DEPARTMENT OF CORRECTIONS HAVE THE POWER AND AUTHORITY TO EXERCISE CONTROL OVER THE EXECUTIVE BRANCH OF GOVERNMENT, WHEN ALA. CODE 1975 SEC. 14-1-1, AND 14-1-2 MANDATES THEY ARE ADMINISTRATIVE

THE ISSUE UNDER CODE OF ALA. 1975 SEC. 12-17-184(10) DID THE GOVERNOR OR ATTORNEY GENERAL APPOINT ALABAMA DEPARTMENT OF CORRECTIONS ATTORNEYS TO ACT AS SPECIAL PROSECUTORS IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA OVER STATE v. ROBINSON IN ANY GUILTY PLEA OR PRONOUNCEMENT OF SENTENCE FIXED BY THE COURT.

THE ISSUE UNDER CODE OF ALA. 1975 SEC 12-82-90 DID THE STATE OF ALABAMA BY ATTORNEY GENERAL OR DISTRICT ATTORNEY OF HOUSTON COUNTY, ALABAMA FILE AN APPEAL TO GRANTING OF WRIT OF HABEAS

Corpus.

THE ISSUE UNDER CODE OF ALA. 1975 SEC 15-21-26 DO

ALABAMA DEPARTMENT OF CORRECTION HAVE JURISDICTION TO EXERCISE  
POWER AND AUTHORITY OVER THE JUDICIAL, EXECUTIVE, AND LEGISLATIVE  
TO REINSTATE ROBINSON AFTER DISCHARGE WAS ORDERED BY CIRCUIT  
COURT OF HUNTSVILLE, ALABAMA DATED APRIL 06, 2018

THE ISSUE UNDER CODE OF ALA 1975 SEC. 15-15-24(d) THE  
CIRCUIT COURT JUDGE DETERMINED THE DEGREE OF THE OFFENSE  
AND FIXED THE PUNISHMENT. ROBINSON PURSUANT TO CODE OF ALA.  
1975 SEC. 15-21-1 HAD A HEARING AND PRESENTED EVIDENCE THAT  
THE PUNISHMENT FIXED BY THE COURT HAD ENDED. THE STATE OF  
ALABAMA PURSUANT TO CODE OF ALA. 1975 SEC 12-17-184(a) THE  
DISTRICT ATTORNEY AGREED THAT THE PUNISHMENT FIXED BY THE COURT  
HAD ENDED.

IN THAT THE GOVERNOR NOR THE ATTORNEY GENERAL APPOINTED, NOR  
ANY AUTHORITY WAS ISSUED FOR ALABAMA DEPARTMENT OF CORRECTIONS  
TO SERVE AS THE PROSECUTOR, NOR ANY JURISDICTION EXIST AT ALL  
UNDER ALABAMA CONSTITUTION, NOR ALABAMA CRIMINAL STATUTE, TO  
ENTER ANY APPEARANCE TO UNLAWFUL CUSTODY BASED SOLELY ON THE STATE'S  
PLEA AGREEMENT AND THE PUNISHMENT FIXED BY THE COURT. ROBINSON'S  
WRIT OF HABEAS CORPUS GRANTED DISCHARGE, GIVING ROBINSON  
HIS LIBERTY OF FREEDOM.

HOW CAN THE GOVERNOR AND ATTORNEY GENERAL NOT ENFORCE  
THE EXECUTIVE BRANCH OF GOVERNMENT AS MANDATED BY STATUTE

AND FORCE ALABAMA DEPARTMENT OF CORRECTIONS AND ATTORNEYS  
TO COMPLY WITH LEGISLATIVE LAW.

DECLARATORY JUDGMENT UNDER THE ABOVE STATED FACTS;  
CONSTITUTION OF ALABAMA, AND ALL STATUTES PRESENTS A CONTRO-  
VERSY THAT IS JUSTICIALE, AND ROBINSON HAVE VALID GROUNDS  
TO CLAIMS THAT MUST BE DECIDED, THEY ARE NOT HYPOTHETICAL,  
CONJECTURAL, NOR BASED ON POSSIBILITIES. ROBINSON'S CONSTITUTIONAL  
RIGHTS HAVE BEEN VIOLATED, AND THE ATTACK IS APPLIED ON THE  
VERY APPLICATION, AND TWISTING OF PLAIN WELL UNDERSTOOD  
LANGUAGE OF THE LAWS BY CONSTITUTION 1901 OF ALABAMA, AND  
ADOPTED STATUTES.

ROBINSON IS ENTITLED TO RELIEF TO HAVE ALL ISSUES  
SETTLED.

ROBINSON'S GUILTY PLEA, THE PRONOUNCEMENT OF SENTENCE,  
AND THE PUNISHMENT FIXED BY THE COURT. UNDER ALABAMA  
STATUTE OF LAW DO ATTORNEYS FOR ALABAMA DEPARTMENT OF  
CORRECTIONS HAVE JURISDICTION TO HELENGT THE STATE  
OF ALABAMA FOR THE NEGOTIATED GUILTY PLEA. PURSUANT TO  
ALABAMA STATUTES OF LAW THE CONTROVERSY MUST BE  
DECIDED.

DEFENDANTS UPOLATED ROBINSON'S  
CIVIL RIGHTS, THE CONSTITUTION OF THE UNITED STATES

LARRY E. MCCOLLUM, GARY L. WILLFORD, AND AL BUTLER  
ARE ATTORNEYS WHO REPRESENT ALABAMA DEPARTMENT OF  
COLLECTIONS. EACH NAMED DEFENDANT WAS ASIGNED DUTIES BY  
THE ATTORNEY GENERAL TO REPRESENT THE ADMINISTRATIVE  
FUNCTIONS OF ADOC.

EACH NAMED DEFENDANT HAD FULL KNOWLEDGE THAT ON  
AND ABOUT DECEMBER 9 2017, THAT ALABAMA SUPREME COURT  
AND ALABAMA CRIMINAL COURT OF APPEAL ENTERED A  
WHISTED ORDER FOR THE DENIAL OF ROBESON'S WRIT OF  
HABEAS CORPUS FILED IN ESCAMBIA COUNTY CIRCUIT COURT.  
EACH NAMED DEFENDANT KNEW THAT ROBESON'S RELIEF  
UNDER UNLAWFUL CUSTODY, HAD NOTHING TO DO WITH THE  
CALCULATION OF TIME UNDERR ADOC, THE COURT'S ORDER  
UNDER WELL UNDERSTOOD PLAIN LANGUAGE, ROBESON'S RELIEF  
WAS TO BE DECIDED IN THE CIRCUIT COURT OF HANSEN  
COUNTY, ALABAMA. THE NEGOTIATED GUILTY PLEA, THE TIME  
TO WHICH JUDGE JACKSON FIXED THE PUNISHMENT FOR HAD  
EXPIRED.

DEFENDANTS HAVE VIOLATED ALABAMA WHISTED STATE OF  
LAW TO INTERVENE IN A WRIT OF HABEAS CORPUS FILED BY  
ROBESON UNDERR THE SOLE AUTHORITY AND JURISDICTION  
OF THE COURT WITH PHONONCE SENTENCE, AND FIXED THE  
PUNISHMENT AS TO HOW ROBESON WAS TO SERVE TWO  
SENTENCES.

EACH NAMED DEFENDANT DUTY IS TO COMPLY WITH THE SENTENCE TRANSFER ORDER, AND HAVE TO JURISDICTION AT ALL TO INVADE, AND TO INTERFERE WITH THE BOND/AG PLEA AGREEMENT.

ROBESON'S CIVIL RIGHTS HAVE BEEN VIOLATED, AS BECAUSE EACH NAMED DEFENDANT ACTED OUTSIDE OF THEIR JURISDICTION. EACH NAMED DEFENDANT HAD KNOWLEDGE THAT THE 15 YEARS OF THE 25 FIXED BY THE COURT WAS CONCURRENT IN FULL. EACH NAMED DEFENDANT KNOWINGLY, AND INTENTIONALLY VIOLATED ROBESON'S CIVIL RIGHTS TO DENY ROBESON THE LIBERTY OF FREEDOM GRANTED BY JUDGE JACKSON AS PRONOUNCED, AND KNEW THAT ALABAMA CRIMINAL COURT OF APPEALS PRESIDING JUDGE WILSON CLEARLY STATED THAT JURISDICTION OVER UNLAWFUL CUSTODY WAS TO BE DECIDED BY HARRIS COUNTY, ALABAMA CIRCUIT COURT, THE DISTRICT ATTORNEY FOR THE STATE OF ALABAMA, WITH AUTHORITY GIVEN BY STATUTE FOR DISTRICT ATTORNEY TO REPRESENT THE STATE OF ALABAMA.

EACH NAMED DEFENDANT AFTER ROBESON FILED A 42 USC SEC 1983 IN THE MIDDLE DISTRICT OF ALABAMA CU-19-39; IT BEING OVER A YEAR AFTER ROBESON'S DISCHARGE WAS GRANTED, AND STATE OF ALABAMA AGREED THAT THE BOND/AGMENT FIXED BY THE COURT

HAD EXISTED. EACH DEFENDANT KNEW THAT CODE OF ALA. 1975 SEC 12-22-90 GRANTS JURISDICTION ONLY TO THE STATE OF ALABAMA TO APPEAL THE GRANTING OF ROBESON'S HABEAS CORPUS.

EACH NAMED DEFENDANT HAVE VIOLATED ROBESON'S RIGHTS TO THE LIBERTY OF FREEDOM GRANTED, AND FAILED TO FOLLOW THE ASSIGN ORDER TO COMPLY WITH THE STATUTE OF LAW THAT DEMANDS TO FOLLOW THE CONVICTION REPORT. EACH NAMED DEFENDANT HAVE USED THE OFFICE OF THE ATTORNEY GENERAL TO DECEIVE STATE COURT, FEDERAL COURT, AND TO FORGE CHARGE AND UNLAWFUL PUNISHMENT AGAINST ROBESON, TO MAKE ROBESON A SLAVE UNDER ILLEGAL UNLAWFUL IMPRISONMENT.

ROBESON HAVE A CLAIM THAT DEMANDS JUSTICE:

1. DEFENDANTS KNEW UNDER ALABAMA LAW THAT THEY HAD NO SUBJECT MATTER JURISDICTION TO INTERFERE, AFTER THE EXPIRATION OF 60 DAYS THE DISCHARGE OF ROBESON WAS FEDERAL DATED APRIL 06, 2018.

2 DEFENDANTS HAD FULL KNOWLEDGE OF PRESIDING JUDGE WILSON'S ORDERS THAT THE JURISDICTION OF ROBESON'S UNLAWFUL CUSTODY WAS UNDER THE CIRCUIT COURT OF HARRISON COUNTY, ALABAMA - THE DISTRICT ATTORNEY, CIRCUIT COURT JUDGE, AND ROBESON ONLY.

3. EACH DEFENDANT ACTED IN BAD FAITH, MALICIOUSLY,  
AND UNDER THE COLOR OF STATE LAW TO DESENCE, PLAT,  
AND CARRY OUT EXEC PLANS WITH THE INTENT TO  
DENY ROBISON THE LIBERTY OF FREEDOM GRANTED  
TO HIM BY THE CONSTITUTION OF ALABAMA AND THE  
UNITED STATES.

DEFENDANT J. DUNN, A. TERRY, C. GLASSCOCK, A. BLACK,  
AND L. HEAD HAD FULL KNOWLEDGE THAT ROBISON'S TIME  
AS FIXED BY THE COURT HAD EXPIRED.

EACH NAMED DEFENDANT ACTED IN FULL HARMONY TO  
VIOLATE ROBISON'S PROTECTED RIGHTS FOR THE LIBERTY  
OF FREEDOM GRANTED.

C GLASSCOCK AS FORMER ATTORNEY GENERAL, FORMER DISTRICT  
ATTORNEY, AND FORMER CIRCUIT COURT JUDGE KNEW THAT  
ADDC ATTORNEYS, DUNN, BLACK, TERRY, AND HEAD HAD NO  
LEGAL JURISDICTION TO VIOLATE ROBISON'S CONSTITUTIONAL  
RIGHTS. IT WAS KNOWN TO GLASSCOCK THAT CODE OF ALA.  
1975 SEC 15-21-1 IS FOR THE SOLE PURPOSE OF UNLAWFUL  
IMPRISONMENT, HE KNEW THAT AFTER THE EXPIRATION OF  
30 DAYS ALABAMA JUDICIAL COURT LAW DEMANDS THAT ALL  
JURISDICTION IS LOST. GLASSCOCK OWED ROBISON A  
DUTY UNDER THE EXECUTIVE AUTHORITY OF ALABAMA  
PAROLE BOARD TO COMPLY WITH THE COURT'S ORDER AND

To ENTER THE ORDERS FOR PAROLE BOARD OF ALABAMA  
TO COMPLY WITH ALABAMA WRITTEN STATUTE OF LAWS  
THAT ROBESON'S SENTENCES EXPIRED, AND THAT  
PLEA AGREEMENT, AND ALL MATTERS OF HOW THE  
SENTENCES ARE TO BE SERVED WERE DECIDED,  
AND ROBESON HAVE NO PAROLE TIME, NOR ANYTIME  
OWED TO ADOC.

DEFENDANT A. BLACK TWICE HAVE ENTERED A  
DOC REQUESTING A FUGITIVE WARRANT, HAVING  
FULL KNOWLEDGE THAT CIRCUIT COURT OF HAMILTON  
COUNTY, ALABAMA PLANNED THE DISCHARGES OF ROBESON.  
EACH AND EVERY NAMED DEFENDANT HAVE ACTED  
UNDER THE CODE OF STATE LAW TO VIOLATE  
ROBESON'S CIVIL RIGHTS, TO VIOLATE THE LIBERTY  
OF FREEDOM PLANNED. EACH HAVE FULL KNOWLEDGE  
THAT CODE OF ALA. 1975 SEC. 15-21-26 DEMANDS  
THAT ROBESON CAN'T BE RESURRECTION AFTER THE  
DISCHARGES BY WAY OF ALABAMA CODES.

RELIEF OWED.

1. ROBESON SEEKS THE FULL DECLARATION OF  
THE RIGHTS OWED AS WRITTEN BY ALABAMA  
CONSTITUTION, AND ALABAMA WRITTEN STATUTES OF  
LAWS

2. THAT EACH NAMED DEFENDANT MUST ANSWER TO  
THESE ACTIONS TO VIOLATE ROBESON'S CIVIL RIGHTS

THAT EACH GOVERNMENT OFFICIAL DEFENDANT TAKING  
THEIR OWN ACTIONS HAVE VIOLATED THE CONSTITUTION  
4TH, 8TH, 13TH, AND 14TH AMENDMENTS. EACH  
HAD THE KNOWLEDGE AND INTENT THAT ROBESON IS  
FREE, AND THERE'S NO PENDING PROSECUTION, THAT  
UNDER EACH STATEMENT OF ALABAMA LAW AS APPLIED  
GIVES ROBESON FULL FREEDOM.

3. THAT COURT TO SELECT EACH NAMED DEFENDANT  
AND EACH INDIVIDUALLY MUST ANSWER TO ROBESON.
4. ROBESON SEES FULL DECLARATORY RELIEF THAT  
THE CONTROVERSIAL MUST BE DECIDED UNDER ALABAMA  
CONSTITUTION, AND CODE OF ALABAMA WHETHER STATES.
5. ROBESON SEEKS ALL RELIEF AS EXPRESSED UNDER  
42 USC SEC. 1983
6. TO ANY AND ALL RELIEF THAT ROBESON IS ENTITLED  
TO UNDER THE CONSTITUTION OF THE UNITED STATES.

Respectfully  
James Robeson  
JAMES ROBESON

20 MCGEE ST.

GREENVILLE S.C. 29641

NOVEMBER 16, 2019

DEFENDANTS AND ATTORNEY FOR DEFENSE

1. Gwendolyn Kay Lucy 600 Dexter Ave Montgomery, AL 36104
2. STEVE MARSHALL 301 Washington Ave Montgomery, AL 36104
3. CARLIE ELLIS McCollum - 301 South Rte 87.  
Montgomery, AL. 36104
4. GARY L. WILDFORD - SAME AS ABOVE
5. AL. BUTLER - SAME AS ABOVE
6. JEFFERSON S. DAVIS - SAME AS ABOVE
7. ALORNELLA ISHLY - SAME AS ABOVE
8. CHARLES CRADDOCK - SAME AS ABOVE
9. Lynn HEAD - SAME AS ABOVE
10. A. BLACK - Howard County Parole Office N. OADES St.  
DOTHAN, AL. 36301

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ALABAMA

CLERK

*James Robins*  
JAMES ROBINS

I NEED TWO FORMA PAUPERIS APPLICATION FOR  
42 USC SEC. 1983

~~Franklin County  
Court  
Defender~~  
Greenville County Courthouse  
325 North Street, Suite 123  
~~Postmarked 2000~~  
20 NOV 87  
Greenville, S.C. 29601

Greenville P&DC 296  
WED 20 NOV 2013 PM



To: Office of Clerk  
Federal Courthouse  
One Cherokee St  
Montgomery, AL  
36104

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